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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08-MJ-1012

08 APR -2 AM 11:10

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Saul COSIO-Flores,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

BY:

DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **March 31, 2008** within the Southern District of California, defendant, **Saul COSIO-Flores**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF APRIL 2008.


Anthony J. Battaglia

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Saul COSIO-Flores****PROBABLE CAUSE STATEMENT**

On March 31, 2008, at approximately 10:30 p.m., Border Patrol Agent V. Arguello was working line watch duties in an area known as "Spooner's Mesa." This area is located approximately four miles west of the San Ysidro, California Port of Entry and 100 yards north of the United States/Mexico International Boundary fence.

Agent Arguello was notified via service radio by a National Guard scope operator of four individuals traveling north from the United States/Mexico International Boundary fence. Agent Arguello arrived to the area and observed one individual standing on a raised mound of dirt. The scope operator relayed to Agent Arguello that there were other individuals were following the one individual. Agent Arguello approached the individual he observed and identified himself as a Border Patrol Agent. The individual began to run, ignoring several commands. After a brief foot chase, Agent Arguello apprehended the individual. The other individuals jumped the Border fence back into Mexico.

Agent Arguello again identified himself as a United States Border Patrol Agent and conducted an immigration inspection. The individual, later identified as the defendant **Saul COSIO-Flores**, freely admitted that he was a citizen and national of Mexico not in possession of any documents that would allow him to enter or remain in the United States legally. At approximately 10:45 p.m., the defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 6, 2008 through Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.